



## **PROCLAMATION PURSUANT TO STATE OF EMERGENCY GUILFORD COUNTY, NORTH CAROLINA**

### **WHEREAS:**

- A. The novel coronavirus disease-2019 (COVID-19) is a disease which has spread across the globe infecting millions of people with a significantly high rate of death, particularly among those who are elderly or medically vulnerable.
- B. On January 30, 2020, the World Health Organization (WHO) determined the outbreak constitutes a Public Health Emergency of International Concern (PHEIC).
- C. On January 31, 2020, former Health and Human Services Secretary, Alex M. Azar, II, declared COVID-19 to be a public health emergency in the United States.
- D. On March 10, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID 19 in North Carolina, Governor Roy Cooper declared a state of emergency in North Carolina.
- E. On March 13, 2020, former President Donald J. Trump declared the COVID-19 pandemic to be a national emergency.
- F. On March 14, 2020, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19, Governor Roy Cooper issued Executive Order 117. Among the measures he directed were limiting mass gatherings to no more than 100 persons, temporarily closing public schools, and urging compliance with Centers for Disease Control and Prevention ("CDC") recommendations on social distancing.
- G. From March 17, 2020-present, Governor Roy Cooper issued several Executive Orders, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina. The last one requiring the wearing of masks was allowed to expire on July 30, 2021.
- H. In response to the COVID-19 pandemic, the Chair of the Guilford County Board of County Commissioners ("Chair") issued a local Declaration of State of Emergency ("Declaration") on March 13, 2020, recommending behavior designed to protect the public health.
- I. The COVID-19 virus has developed variants, including the Delta variant and, more recently, the Omicron variant, which are far more contagious than others and became (for Delta) and have now become (for Omicron) the dominant forms of the disease currently in our State and County.

- J. The CDC and the North Carolina Department of Health and Human Services (NCDHHS) have issued guidance calling for all people in areas of high transmission, to include those who are vaccinated, to wear masks in indoor spaces when they are around people they do not live with, in order to reduce the spread of COVID-19.
- K. Guilford County's Public Health Director and operators of Cone Health, a major health care provider within Guilford County, confirm that the rate of infections in Guilford County is at a level requiring prompt action to slow the spread of COVID-19 within the County in order to preserve medical supplies and hospital capacity to treat those with COVID-19 and other serious illnesses and injuries. Moreover, County Public Health and Emergency Services are severely strained impacting the County's ability to effectively address the current or future pandemic needs.
- L. Many people who contract the virus may be asymptomatic and may not be aware they carry the virus. People without symptoms can transmit the disease.
- M. It is essential to slow viral transmission and community spread as much as possible to protect the most vulnerable, and to prevent the health care system from being overwhelmed.
- N. Prompt action now, in cooperation with the public, can reduce the transmission of COVID-19 and prevent the need for greater restrictions in the future.
- O. Current CDC information, which the Board finds credible, indicates: "COVID-19 spreads mainly from person to person through respiratory droplets. Respiratory droplets travel into the air when you cough, sneeze, talk, shout, or sing. These droplets can then land in the mouths or noses of people who are near you or they may breathe these droplets in. Masks are a simple barrier to help prevent your respiratory droplets from reaching others. Studies show that masks reduce the spray of droplets when worn over the nose and mouth." (See [Science Brief: Community Use of Masks to Control the Spread of SARS-CoV-2 | CDC](#)) It further indicates:
- Everyone 2 years or older who is not fully vaccinated should [wear a mask](#) in indoor public places. If you are fully vaccinated, to maximize protection and prevent possibly spreading COVID-19 to others, wear a mask indoors in public if you are in an area [of substantial or high transmission](#).*
- P. Persuasive research supports the impact of masks as a means to reduce transmission of COVID-19. See, e.g., "[An evidence review of face masks against COVID-19](#)" ([pnas.org](#)). The Public Health Director reports that other than vaccination, masks are the next best tool to reduce COVID-19 transmission.
- Q. This Proclamation is necessitated by a dramatic surge in COVID-19 cases associated with the Omicron variant. On November 24, 2021, South Africa reported the identification of a new SARS-CoV-2 variant, B.1.1.529, to the World Health Organization (WHO). B.1.1.529 was first detected in specimens collected on November 11, 2021 in Botswana and on November 14, 2021 in South Africa. The WHO classification



as a Variant Of Concern was based on epidemiological data indicating an increase in infections in South Africa and United Kingdom that coincided with detection of Omicron. It has been identified that the Omicron Variant has more than 50 mutations in several key areas that impact immune evasion, transmissibility, disease severity and response to treatment. The Centers for Disease Control and Prevention (CDC) has identified the potential for a rapid increase in infections of the new variant of SARS-CoV-2, the Omicron variant, in the United States. Plausible scenarios include steep epidemic trajectories that would require expedient public health action to prevent severe impacts on the health of individuals and the healthcare system. These scenarios are confirmed based on recent metrics reported to Guilford County.

- R. December 17, 2021 updates from NCDHHS indicated:

*Health experts are warning that the highly contagious COVID-19 variant, Omicron, is [expected to cause the greatest surge in COVID-19 infections to date](#) in the coming months. ... Early evidence suggests that [Omicron](#) is two to three times as contagious the Delta variant, making it four to six times as contagious as the original COVID-19 virus. Data collected so far show more rapid waning of protection after the primary vaccination series than was seen with Delta or other variants, although [vaccines are still effective](#) at preventing severe disease.*

- S. These predictions have rapidly proved true in Guilford County. As of January 2, 2022, the Director of Public Health reported the following:

*For the last few days we have seen the highest numbers of cases that we've seen throughout this pandemic. Numbers higher than even last February when we've experienced our highest surge. On December 30<sup>th</sup> we've recorded 811 daily new cases. As of today we are also at 19.1% positivity rate for the 14 days average. Please see additional information below:*

Date	#test	#pos	#neg	1Day%Pos	14Day%Pos
24DEC2021	1999	269	1730	13.5%	10.6%
25DEC2021	1732	280	1452	16.2%	11.1%
26DEC2021	1128	276	852	24.5%	11.6%
27DEC2021	2475	432	2043	17.45%	12.3%
28DEC2021	2878	705	2173	24.50%	14.0%
29DEC2021	3025	744	2281	24.6%	15.5%
30DEC2021	3486	811	2675	23.3%	16.8%
31DEC2021	2751	651	2100	23.7%	18.0%
01JAN2022	1507	487	1020	32.3%	18.9%
02JAN2022	138	42	96	30.43%	19.1%

*\*Please keep in mind that the last 3 days have incomplete data due to the New Year's Celebration.*

- T. Guilford County is presently rated red or "high" for community transmission of COVID-19 by the CDC. This is the highest/worst level of the CDC's transmission categories.

- U. Investigations of recent cases of COVID-19 transmission within Guilford County frequently revealed a common factor of indoor gatherings where persons were not masked.
- V. Public safety staffing is at a critical level to maintain response to citizens needing assistance.
- W. As a result of the above-described public health emergency, I have determined that there is an imminent threat of, or existing conditions have caused or will cause, isolated or potentially widespread illnesses within the population of Guilford County.
- X. Declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

**NOW, THEREFORE**, pursuant to the authority vested in me as the Chairperson of the Board of Commissioners of Guilford County under Article 1A of Chapter 166A of the North Carolina General Statutes and Article II of Chapter 7.5 of the Guilford County Code of Ordinances, I proclaim and order:

#### **Section I. Definitions**

"Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person's face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients. A face shield, alone, is not a "face covering."

#### **Section II. Mask Mandate**

**Face Coverings Required in Public Places.** The undersigned enacts the following restriction:

- (1) Individuals must wear Face Coverings when indoors in all businesses, establishments, and public places.
- (2) All businesses, establishments, and public places, whether for profit or not-for-profit, must require that all persons wear Face Coverings when indoors on their premises.

**Note:** As used in this Proclamation, businesses, establishments, and public places includes schools, colleges, and universities, both public and private. Further, as to residential facilities, including but not limited to apartments and dormitories, this Proclamation applies to indoor portions of such facilities that are used by persons not residing within the same dwelling unit, such as common areas. Businesses and establishments are covered by the Proclamation whether or not they are open to members of the public.

**Exceptions.** Face Coverings do not need to be worn by someone who:

- (1) Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance); this exception includes allowing sight of one's mouth where necessary in such circumstances as facilitating communication with individuals with a hearing impairment, or to assist in speech therapy and other similar circumstances.

- (2) Is under five (5) years of age;
- (3) Is actively eating or drinking;
- (4) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- (5) Is giving a speech or performance for a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience;
- (6) Is working at home or is in a personal vehicle;
- (7) Is temporarily removing their Face Covering for identification purposes to secure government or medical services;
- (8) Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
- (9) Has found that their Face Covering is impeding visibility to operate equipment or a vehicle;
- (10) Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face; or
- (11) Is alone in an enclosed space, such as a room, office or vehicle. An enclosed space includes cubicles which reach from the floor to a height of at least 6.5 feet (in accordance with current OSHA guidance).

Worship, religious, spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all requirements of this Proclamation, notwithstanding any other provision of this Proclamation.

Federal operations are not included within this Proclamation.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.

Children under two (2) years of age should not wear a Face Covering.

### **Section III. Effective Period**

This Proclamation becomes effective at 12:01 a.m. January 5, 2022 and will remain in effect until the earlier of: (1) expiration or termination of the underlying Declaration of a Local State of Emergency, (2) January 13, 2022 at 11:59 p.m., or (3) modification or revocation by the undersigned.

### **Section IV. Enforcement**

Any person violating any prohibition or restriction imposed by this Proclamation shall be guilty of a Class 2 misdemeanor. N.C.G.S. 166A-19.31; County Code 7.5-23.

## Section V. Area Included

This Proclamation applies throughout Guilford County to the fullest extent permitted under N.C.G.S. 166A-19.22 and 166A-19.31.

## Section VI. Distribution

I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the Board of County Commissioners; (c) to be posted in the county courthouse; and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

DECLARED this the 4<sup>th</sup> day of January 2022 at 3:00pm

  
Chairperson of the County Board of Commissioners

ATTEST:

  
Clerk To Board

